

REMARKS/ARGUMENTS

Applicants have received and carefully reviewed the Final Office Action mailed October 7, 2010. Currently, claims 5-31, 52, 54-56, 58-72, 74-76, and 78-95 are pending, with claims 5-31 previously withdrawn from consideration. Claims 52, 54-56, 58-72, 74-76, and 78-95 have been rejected. Applicants respectfully traverse all adverse assertions and rejections presented in the Final Office Action. Favorable consideration of the following remarks is respectfully requested.

Claim Rejections – 35 USC § 103

Claims 52, 54, 55, 58-63, 70-72, 74, 75, 78-83, and 90-95 were rejected under 35 U.S.C. §103(a) as being unpatentable over Stanford et al. (U.S. Patent No. 6,840,950) in view of Brady et al. (U.S. Patent No. 6,565,591).

Claims 56 and 76 were rejected under 35 U.S.C. §103(a) as being unpatentable over Stanford et al. and Brady et al., as applied to claims 52 and 72, in view of Daniel et al. (U.S. Patent No. 5,814,064).

Claims 64-69 and 84-89 were rejected under 35 U.S.C. §103(a) as being unpatentable over Stanford et al. and Brady et al., as applied to claims 52 and 72, in view of Mazzocchi et al. (U.S. Patent No. 6,605,1024).

After careful review, Applicants respectfully traverse the rejections.

The Stanford et al. reference is unavailable as prior art under §103. Stanford et al., which have a filing date of February 20, 2001 and an issue and publication date of January 11, 2005 are available as prior art to the current application, if at all, only under 35 U.S.C. §102(e). However, 35 U.S.C. §103(c) applies in this instance to remove the reference as prior art against the current application under 35 U.S.C. §103(a). See MPEP 2136.01. Both Stanford et al. and the current application were subject to an obligation of assignment to the same person at the time the invention was made.

The Stanford et al. assignment to SciMed Life Systems, Inc. can be found at Reel 011694, Frame 0074 and Reel 012988, Frame 0012, with a name change to Boston Scientific SciMed, Inc. recorded on Reel 018505, Frame 0868. The assignment of the current application to SciMed Life Systems, Inc. can be found at Reel 012911, Frame 0375, with a name change to Boston Scientific SciMed, Inc. recorded on Reel 018505,

Frame 0868. Therefore, Stanford et al. is disqualified as prior art in formulating the obviousness rejection under the provisions of 35 U.S.C. §103(c).

In the absence of Stanford et al., Brady et al., Daniel et al., and Mazzocchi et al. appear incapable of rendering the claims obvious, as they do not appear to teach or suggest all of the elements of the claims, as is required to establish a *prima facie* rejection. Accordingly, Applicants respectfully request that the rejections be withdrawn.

Conclusion

In view of the foregoing, all pending claims are believed to be in condition for allowance. Further examination, reconsideration, and withdrawal of the rejections are respectfully requested. Issuance of a Notice of Allowance in due course is anticipated. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

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By their Attorney,

Date: Nov. 30, 2010



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